

**ONE HUNDREDTH LEGISLATURE - SECOND SESSION -
2008**

COMMITTEE STATEMENT

LB774

Hearing Date: January 23, 2008

Committee On: Judiciary

Introducer(s): (Wightman)

Title: Change provisions relating to filing for modification of child support orders

Roll Call Vote - Final Committee Action:

Placed on General File

Vote Results:

5	Yes	Senators	Ashford, McGill, Pedersen, Pirsch, Schimek
0	No		
3	Absent	Senators	Chambers, Lathrop, McDonald
0	Present, not voting		

Proponents:

Wendy Elston

Representing:

Seward County Attorney

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or change:

Under current law, when a case is referred to the county attorney or an authorized attorney by HHS, that county attorney or authorized attorney must file a complaint to modify a child support order unless the attorney determines that:

- The variation from the guidelines is based on a misrepresentation of fact,
- The variation from the guidelines is due to voluntary reduction in income, or
- Based on the amount of the support order and the facts of the case, no variation exists from the criteria in 43-512.12.

In 2007, the Legislature passed a law that makes incarceration an involuntary reduction in net monthly income for purposes of modifying child support obligations if the person is incarcerated for one or more years in a county or city jail or a federal or state correctional facility.

LB 774 amends section 43-512.15 to provide that HHS, the county attorney, or an authorized attorney shall not be responsible for reviewing or filing applications to modify child support for an inmate who has been incarcerated for one year or more in a county or city jail or a federal or state correctional facility.

Explanation of amendments, if any:

Senator Brad Ashford, Chairperson